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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,267	08/21/2003	Ralph S. Friedrich	50940/CM/A51	7349
23363	7590	03/23/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			SCHATZ, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,267

Applicant(s)

FRIEDRICH ET AL.

Examiner

Christopher T. Schatz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,8,10 and 15-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/21/03, 11/17/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Claims 1, 2, 3, 5, 6, 9, and 11-14 in the reply filed on January 17, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 11, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Grosh '930.

Grosh '930 discloses a method for forming a double containment pipeline section comprising: adhering granular material 24, 25 on a first face of a tape 2; wrapping the tape around a primary pipeline section; and forming a secondary pipeline section around the wrapped primary pipeline section, wherein the granular material defines an annulus between the primary and secondary pipeline sections (figures 1, 2, column 2, line 50 – column 3, line 36, column 4, lines 3-5).

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As to claim 3, Grosh '930 discloses a method wherein wrapping comprises wrapping the tape around the primary pipeline section sandwiching the granular material between the tape and the primary pipeline section (figure 2). As to claim 5, Grosh '930 discloses a method wherein forming comprises: wrapping a resin embedded material 2, 3 over the wrapped tape; and curing the resin embedded material forming a secondary pipeline section (column 3, lines 34-36). It should be noted that the reference discloses that the tape 3 is wrapped multiple times, and since the tape 3 is resin embedded, examiner asserts that the reference meets the language of "wrapping a resin embedded material over the wrapped tape." As to claim 11, Grosh '930 discloses a method wherein adhering comprises adhering sand on a first face of a tape (column 3, line 17). As to claim 12, Grosh '930 discloses a method wherein wrapping a tape around a primary pipeline section comprises wrapping a tape around a pipe fitting (see example I). As to claim 14, Grosh '930 discloses a method wherein the granular material comprises particles and wherein a majority of the said particles are in contact with the primary pipeline section (figure 2).

3. Claims 1, 3, 5, 6, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiyama et al. '615.

Nishiyama et al. discloses a method for forming a double containment pipeline section comprising: adhering granular material 3 (column 3, lines 66-67) on a first face of a tape 6; wrapping the tape around a primary pipeline section 1; and forming a secondary pipeline section 2 around the wrapped primary pipeline section, wherein the granular material defines an annulus between the primary and secondary pipeline sections (figures 1, 2, and 7, example 1).

As to claim 3, Nishiyama et al. discloses a method wherein wrapping comprises wrapping the tape around the primary pipeline section sandwiching the granular material

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between the tape and the primary pipeline section (figure 2, 3). As to claim 5, Nishiyama et al. discloses a method wherein forming comprises: wrapping a resin embedded material over the wrapped tape; and curing the resin embedded material forming a secondary pipeline section (column 4, lines 25-30). As to claim 6, A method as recited in claim 1 further comprising: forming a primary pipeline section from resin embedded material; and partially curing the primary pipeline section prior to wrapping the tape having the adhered granular material (column 5, example 2, figures 8, 9). As to claim 11, Nishiyama et al. discloses a method wherein adhering comprises adhering sand on a first face of a tape (column 3, line 17). As to claim 13, Nishiyama et al. discloses a method further comprising helically winding a pair of spaced apart wires 7 around the primary pipeline section so as to be in contact with the granular material (column 47-62, figure 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 3, 5, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosh '930 as applied above in view of Grosh '896.

Grosh '930 discloses a method as discussed above, but the reference is silent as to a method wherein the thickness is less than 1 mm. Grosh '896 discloses a method of forming a double containment pipeline section wherein granular material defines an annulus between the

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primary and secondary pipeline sections (figures 1, 2, 3), and that the thickness of the annulus defined by the granular material can be varied depending upon the specific conditions the pipe will be subjected to (column 2, lines 22-36). Furthermore, the reference discloses that the ideal thickness ratio of the particulate layer (annulus) to pipeline section layer is about 2-50. In the example, the reference discloses a pipeline section layer of 0.005 inches and an annulus layer of 0.046 inches. While this specific disclosed thickness of the annulus layer in the example is more than 1 mm, one of ordinary skill in the art would have understood to adjust the thickness of the particulate layer in the example such that the thickness ratio of the particulate layer to pipeline section layer is 2 in light of Grosh's '896 teachings in column 2, lines 22-36. Such an adjustment would produce an annulus that is less than 1 mm. Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to form an annulus between the primary and secondary pipeline section having a radial thickness no greater than 1 mm as taught by Grosh '896 above in the process of forming a double containment pipeline as set forth above by Grosh '930. As to claims 3, 5, 11, 12, and 14, Grosh '930 meets the limitations of said claims for the reasons discussed above

6. Claims 1, 3, 5, 6, 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama et al. as applied above, and in further view of Golden '221.

Nishiyama et al. discloses a method as stated above, and the reference further discloses a method of adhering granular material on the first face of a tacky tape. The reference is silent, however, as to a method of pulling a tape through a container of granular material. Golden is directed to a method of forming a pipe, said method comprising wrapping a tape around a primary pipeline section to form a secondary pipeline section wherein granular material 14

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defines an annulus between said first and second pipeline sections. Golden further discloses that it is well known in that to adhere granular material onto a tape by pulling the tape through a container of granular material (column 1, lines 30-33, figures 2 and 3). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Nishiyama et al. such that the tape of Nishiyama et al. is pulled through the granular container 15 as is well known in the art and taught by Golden. As to claims 3, 5, 6, 11, and 13, Grosh meets the limitations of said claims as discussed above.

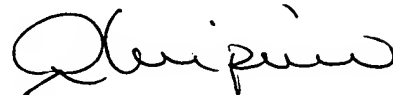
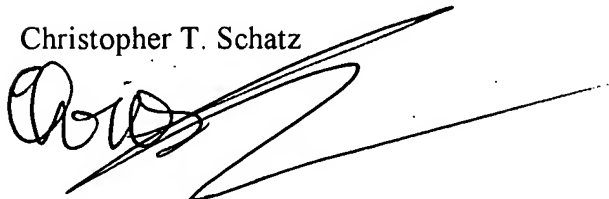
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is **571-272-1456**. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher T. Schatz



RICHARD CRISPINO
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